

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et*
al.,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

ORDER GRANTING OBJECTION OF PUERTO RICO SALES TAX FINANCING
CORPORATION TO PROOF OF CLAIM OF EXCEL GASOLINE AND FOOD MART CORP
RETIREMENT PLAN REPRESENTED BY UBS TRUST COMPANY OF PR
(CLAIM NO. 25797)

Upon the *Objection of Puerto Rico Sales Tax Financing Corporation to Proof of Claim of Excel Gasoline and Food Mart Corp Retirement Plan Represented by UBS Trust Company of PR (Claim No. 25797)* (Docket Entry No. 4525 in Case No. 17-3283, the “Objection”), dated December 19, 2018, of the Puerto Rico Sales Tax Financing Corporation (“COFINA”) for entry of an order disallowing and subordinating the claim of Excel Gasoline and Food Mart Corp Retirement Plan Represented by UBS Trust Company of PR (Proof of Claim No. 25797) (the

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA” and together with the Commonwealth, COFINA, HTA, and ERS, the “Debtors”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

“Claim”), as more fully set forth in the Objection; and the Court having jurisdiction to consider the Objection and to grant the relief requested therein pursuant to Section 306(a) of PROMESA;² and venue being proper pursuant to Section 307(a) of PROMESA; and due and proper notice of the Objection having been provided to those parties identified therein, and no other or further notice being required; and, upon the record of the hearing held on the Objection on March 13, 2019, and the rulings made therein, the Court having determined that the relief sought in the Objection is in the best interest of COFINA, its creditors, and all the parties in interest; and the Court having determined that the legal and factual bases set forth in the Objection establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the Objection is GRANTED as set forth herein; and it is further

ORDERED that the Claim is hereby disallowed to the extent the Claim is duplicative of one or more Master Proofs of Claim; and it is further

ORDERED that Prime Clerk, LLC, is authorized and directed to delete the duplicative portion of the Claim from the official claims register in the COFINA Title III Case; and it is further

ORDERED that the remainder of the Claim is subordinated pursuant to 11 U.S.C. § 510(b); and it is further

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² Capitalized terms used but not defined herein shall have the meanings set forth in the Objection.

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

SO ORDERED.

Dated: March 26, 2019

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge